

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL J. BAJOR,

Plaintiff,

v.

WAL-MART CORPORATION,

Defendant.

No. 08-12401

District Judge Victoria A. Roberts

Magistrate Judge R. Steven Whalen

ORDER

Before the Court is Defendant's Motion to Strike portions of Plaintiff's Memorandum of Law in Response to Defendant's Motion for Summary Judgment [Docket #27].

As an initial matter, the Court recognizes that Defendant is unrepresented by counsel. Therefore, his pleadings and arguments will not be held to the standard of a practicing attorney, but will be given a liberal construction. *See Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004), citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *Herron v. Harrison*, 203 F.3d 410, 414 (6th Cir. 2000) (*pro se* pleadings are held to "an especially liberal standard"); Fed.R.Civ.P. 8(f) ("All pleadings shall be so construed as to do substantial justice"). Whatever technical deficiencies might appear in Plaintiff's pleadings, the substance of his arguments should be assessed on their merits. If, for example, he makes statements that constitute hearsay, or are otherwise unsupported, those statements can be rejected.

That said, I note that I have filed a Report and Recommendation that Defendant's motion for summary judgment be granted. In preparing that Report and

Recommendation, I fully considered all of Plaintiff's arguments and assertions of fact, and ultimately rejected his argument that there is a question of material fact regarding whether his termination was improperly based on racial considerations. Thus, Defendant's motion to strike is, as a practical matter, moot.

Therefore, the motion to strike [Docket #27] is DENIED.

IT IS SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: February 16, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 16, 2010.

s/Gina Wilson
Judicial Assistant